

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

FEB 23 2010

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2009-0312-PR
)	DEPARTMENT A
Respondent,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
KETTISHA JONES,)	the Supreme Court
)	
Petitioner.)	
_____)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20064734 and CR-20064586

Honorable Howard Fell, Judge Pro Tempore

REVIEW GRANTED; RELIEF DENIED

Law Office of Wanda K. Day
By Wanda K. Day

Tucson
Attorney for Petitioner

H O W A R D, Chief Judge.

¶1 Petitioner Kettisha Jones pleaded guilty to two counts of sale of a narcotic drug and was sentenced to two concurrent, presumptive prison terms, the longer of which is 9.25 years. She sought relief pursuant to Rule 32, Ariz. R. Crim. P., raising claims of ineffective assistance of counsel and newly discovered material facts. The trial court

denied her petition for post-conviction relief without an evidentiary hearing, finding Jones had failed to state a colorable claim for post-conviction relief. This petition for review followed.

¶2 Jones challenges the trial court’s denial of post-conviction relief, claiming on review, as she did in the trial court, that trial counsel had rendered ineffective assistance during sentencing because 1) he did not correct a mistake in the presentence report, which stated she had not previously sought treatment for her drug problem and 2) counsel had told her “that her maximum term of sentence would be six years.” She also contends the court erred in denying relief on her claim that the evidence of her prior drug treatment was newly discovered evidence, as contemplated by Rule 32.1(e), and that, had it been considered during sentencing, she “would have received a mitigated sentence.”

¶3 We will not disturb a trial court’s grant or denial of post-conviction relief absent a clear abuse of the court’s discretion. *State v. Swoopes*, 216 Ariz. 390, ¶4, 166 P.3d 945, 948 (App. 2007). We cannot say the court abused its discretion in denying Jones’s petition. The court clearly identified the claims Jones had raised and resolved them correctly in a thorough, well-reasoned minute entry, which we adopt. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993) (when trial court has correctly ruled on issues raised “in a fashion that will allow any court in the future to understand the resolution[, n]o useful purpose would be served by this court[’s] rehashing the trial court’s correct ruling in a written decision”).

¶4 Finding no abuse of the trial court's discretion in summarily dismissing Jones's notice of post-conviction relief, we grant review but deny relief.

/s/ Joseph W. Howard
JOSEPH W. HOWARD, Chief Judge

CONCURRING:

/s/ Philip G. Espinosa
PHILIP G. ESPINOSA, Presiding Judge

/s/ Virginia C. Kelly
VIRGINIA C. KELLY, Judge